

MAY 18 2005

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PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

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TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1938-1971

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May 18, 2005

## FACSIMILE COVER SHEET

To: Examiner John M. Hotaling  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

From: Douglas A. Scholer  
Reg. No. 52,1973

Re: U.S. Patent Application  
Serial No. 09/834,529  
Filed: April 13, 2001  
Applicant: Roger W. Ach, III  
Art Unit: 3713  
Confirmation No.: 4021  
Our Ref: LOTC/32

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of Facsimile  
Transmission (1 page)  
Transmittal containing Certificate of Facsimile  
Transmission (2 pages)  
Request for Continued Examination (RCE) (in  
duplicate) containing Certificate of Facsimile  
Transmission and Authorization to Charge Deposit  
Account 23-3000 in the amount of \$395.00 for the  
RCE Fee (2 pages, including duplicate)  
Preliminary Amendment containing Certificate of  
Facsimile Transmission (17 pages)

Pages: 22 (including cover sheet)

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I hereby certify that this correspondence and the enclosures noted herein (22 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner John M. Hotaling, Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on May 18, 2005.

*Judith L. Volk*  
Judith L. Volk

*May 18, 2005*  
Date

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PTO/SB/30 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/834,529
Filing Date	April 13, 2001
First Named Inventor	Roger W. Ach III
Art Unit	3713
Examiner Name	John M. Hotaling
Attorney Docket Number	LOTG/32 (Confirmation No. 4021)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/ Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☒ Other Fax Cover Sheet; Transmittal
- Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 23-3000. I have enclosed a duplicate copy of this sheet.

a. ☒ RCE fee required under 37 CFR 1.17(e)

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Signature	Date <u>5/18/05</u>
Name (Print/Type) <u>Douglas A. Scholer</u>	Registration No. <u>52,197</u>

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
Signature <u>Judith L. Volk</u>	Date <u>May 18, 2005</u>
Name (Print/Type) <u>Judith L. Volk</u>	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**MAY 18 2005**

**PATENT**

Att'y Docket No. LOTC/32/262  
Confirmation No. 4021

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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*Judith L. Volk*  
Judith L. Volk

*May 18, 2005*  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ach Art Unit: 3713  
Serial No.: 09/834,529 Examiner: John M. Hotaling  
Filed : April 13, 2001  
For : NUMERICAL RATING METHOD, PROGRAM PRODUCT AND APPARATUS

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. ☒ Transmitted herewith is a Request for Continued Examination (RCE) and a Preliminary Amendment.
2. ☒ Small Entity status of this application has been previously requested and is still appropriate.
  - ☐ Enclosed is a verified statement to establish Small Entity status
  - ☐ Other than a Small Entity
3. The fee has been calculated as shown below:

**CALCULATION OF FEES**

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	85	minus	85	0	\$25	\$0.00
Independent Claims	5	minus	5	0	\$100	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$180	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

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Serial No. 09/834,529  
Transmittal for RCE Preliminary Amendment of May 18, 2005  
WH&E LOTC/32

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☒ Please charge my Deposit Account No. 23-3000 in the amount of \$395.00 for the RCE Fee (per authorization in the Request for Continued Examination (RCE) filed concurrently herewith).

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00

Extension fee due with this request:

\$

Method of Payment:

Check enclosed in the amount of \$

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_.

OR

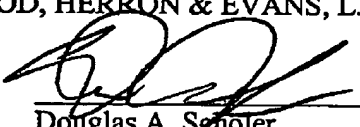
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:

  
Douglas A. Scholer  
Reg. No. 52,197

2700 Carew Tower  
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Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

Enclosed:

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)  
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Serial No. 09/834,529

Transmittal for RCE Preliminary Amendment of May 18, 2005

WHERE TO GO??